

## **COUNCIL WORK SESSION**

Tuesday, March 10, 4:30 p.m.

Casper City Hall

Council Meeting Room

### **AGENDA**

1. EDJPB Agreement
2. Conditional Use Appeal Process
3. Bike & Pedestrian Master Plan
4. CATC One Cent Request: Upgrade Aging Bus Fleet
5. Public Intoxication Ordinance
6. Seat Belt Ordinance
7. Motor Vehicle Operator's License Ordinance
8. Trespass Ordinance
9. Speed Limits
10. Future Agenda Review
11. Executive Session: Property

### **COUNCIL WORK SESSION – March 10, 2015**

Mayor Powell called the meeting to order at 4:30 p.m. with the following Councilmembers present: Councilmen Cathey, Hedquist, Hopkins, Johnson, Pacheco, Sandoval, Schlager and Mayor Powell. Councilman Mundell was absent for a portion of the meeting.

Mayor Powell opened with condolences to the McMurry family for the loss of Mick McMurry.

City Manager Patterson presented Amendment No. 6 to the Agreement with the Economic Development joint Powers Board (EDJPB) for economic development assistance. This amendment codifies the verbal agreement to fund this assistance from the 1% increase in the Rocky Mountain Power (RMP) franchise fee. Councilman Cathey voiced his concerns on a guaranteed promise should funding sources decrease. Councilman Hopkins clarified the historical funding process and City Attorney Luben clarified the language of the ordinance. Council discussed this proposed agreement and indicated their support.

Liz Becher, Community Development Director, introduced Aaron Kloke, Planner I; James Holloway, Chairman of Planning & Zoning Commission; and Don Redder, Vice-Chair. Ms. Becher presented an overview of information to Council regarding the Conditional Use Appeal Process on behalf of Craig Collings, City Planner and the Planning & Zoning Commission. Mr. Holloway addressed Council with a general overview of the process when cases are presented to the Commission. Aaron Kloke addressed Councilman Hedquist's questions and concerns regarding the process and Staff Report. Wallace Trembath III, Assistant City Attorney, addressed Council's inquiries.

Councilman Mundell joined the meeting at this point.

Andrew Nelson, MPO Manager, requested authorization from Council to move forward with a resolution to endorse the MPO's 2013 Casper Area Trails, Path and Bikeway Plan (CATBPB, or "Bike/Ped Master Plan"). Mr. Nelson clarified passing of this resolution would be a non-binding plan of action. As projects and new developments come forward those would be encouraged, not required, to support CATBPB. This project will be studied in the next Federal fiscal year, beginning October 1, 2015. MPO funds can only be used for planning and education purposes. Construction is limited to \$1 million per year from Federal funding. City Manager Patterson shared with Council specifics of this plan and the value of adopting the project. Councilman Hedquist voiced abstention of voting to this matter and mentioned concern to private developers with this process. Council discussed this proposal and indicated their support for moving forward.

Next, Andrew Nelson introduced Carol Crump with CATC to discuss historical information with Council. Ms. Crump indicated an increased number of citizens utilizing public transportation and CATC is requesting 1% funding assistance to upgrade their aging bus fleet. Mr. Nelson provided a cost benefit analysis with Council. Total amount requested is \$801,000 for 6 buses and a security assessment system. Council discussed this proposal and indicated their support for taking into further consideration in April with the additional 1% funding allocation projects and/or alternative funding sources.

Jim Wetzel, Chief of Police, presented Ordinance 5.08.450 "Public intoxication prohibited" to Council with recommendation to amend to clarify the intent of the ordinance and more accurately describe the prohibited behaviors. The proposed ordinance being patterned after the current Casper ordinance and incorporating language adopted from similar ordinances in other jurisdictions more broadly encompasses possible situations which have previously been encountered in the City and provides specific language to more clearly describe prohibited behavior. Councilman Johnson shared points to consider from the Public Intoxication Ordinance from City of Laramie. City Attorney Luben addressed the potential complications with the changes being proposed. Councilman Pacheco stated he is in agreement with the recommendation of Chief Wetzel. Council discussed the information presented and the majority agreed to include additional edits mentioned to the Ordinance.

Councilman Hedquist excused himself from the meeting briefly.

Next, City Attorney Luben introduced Gary G. Way, Assistant City Attorney, to present the recommendations to amend the following Ordinances:

Municipal Ordinance 10.18.020, "Safety belt usage required when", to encompass recent amendments to Wyoming State Statutes regarding the use of seat belts and child restraint systems, specifically W.S. § 31-5-1303. In recent years, the State of Wyoming has enacted more comprehensive laws with reference to child restraint systems. The City Ordinance as presently constituted specifically exempts enforcement of these statutes. Additionally, under Wyoming Statute, Section 15-1-119 (a), the City is prohibited from simply adopting by reference the State Statutes referring to seat belt and child restraint systems. By addition of the specific language as included in bold language above, the

Municipal Ordinance will encompass the relevant section of the state statute not presently included.

Municipal Ordinance 10.18.030, "Violation and penalty", to conform more closely to Wyoming Statute, § 31-5-1304, Penalty. This amendment brings the Casper Municipal Ordinance in line with the relevant portions of the current Wyoming Statute regarding penalty for this offense. This also provides the officer with the flexibility to apply discretion as to what is appropriate to cite in the given circumstances.

Municipal Ordinance, 10.12.010, "Operator's license or chauffeur's license required when", to eliminate the reference to a chauffeur's license and more closely reflect other changes in the Wyoming Statute, § 31-7-106 and subsequent licensing requirements and classifications. In recent years, the State has eliminated the chauffeur's classification of license in favor of adopting the United States universal standards for a Commercial Driver's License, (COL) to cover drivers of all classes of commercial vehicles. The State has also passed numerous limited privilege classifications of licensing primarily limiting operating privileges of youthful drivers and those having been convicted of various serious driving offenses, i.e. Driving While Under the Influence with a blood alcohol content over .15. The proposed amendment of the city ordinance would provide enforcement authority for City officers to enforce all the violations of the many driver's license classes and types being issued, not only in Wyoming but from other states as well.

Municipal Ordinance 9.12.030, "Trespassing-Prohibited generally", to clarify the intent of the ordinance and more accurately describe the prohibited behavior. Under the ordinance as currently constituted, a person may be found guilty only if they have previously been personally advised not to trespass and then refuse to depart or thereafter enter upon such land. The current ordinance fails to cover incidents where persons enter or go upon land where they know they don't have authority to be without previous notification of the prohibition. An example frequently encountered is where person or persons are caught climbing on the roofs of downtown buildings. Without prior notification of the prohibition, the persons cannot be prosecuted under City ordinance.

Assistant City Attorney Way addressed Council's questions. Council discussed these proposed Ordinances and indicated their support. Councilman Sandoval agreed with all with exception of the Trespassing Ordinance.

Andrew Beamer, Public Services Director, presented for informational purposes only, speed limits and speed zones. Wyoming State Statutes specify maximum speed limits on roadways, limiting speeds to 30-mph in residential areas and 20-mph in appropriately signed school zones. The City of Casper has adopted the 30-mph speed limit as the default speed limit for all locations unless posted otherwise. Statutes also allow local authorities to establish speed limits in their jurisdiction that differ from the statutes as long as they are consistent with national practices. Underlying all speed limits is the requirement that drivers operate their vehicles at a

speed that is reasonable and prudent for conditions. Council further discussed concerns with the current speed limit on King Boulevard, no recommended changes at this time.

City Manager Patterson presented Council with review of the future agenda.

At 7:25 p.m. Councilman Hopkins motioned to meet in executive session regarding property, seconded by Councilman Schlager and executive session ended at 7:45 p.m.

There being no further business the meeting was adjourned at 7:46 p.m.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

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V. H. McDonald  
City Clerk

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Charlie Powell  
Mayor